

1 ROBERT W. FERGUSON
Attorney General
2 NOAH GUZZO PURCELL, WSBA #43492
Solicitor General
3 NATHAN K. BAYS, WSBA #43025
KRISTIN BENESKI, WSBA #45478
4 ANDREW R.W. HUGHES, WSBA #49515
CRISTINA SEPE, WSBA #53609
5 *(application for admission forthcoming)*
Assistant Attorneys General
6 EMMA GRUNBERG, WSBA #54659
TERA M. HEINTZ, WSBA #54921
7 *(application for admission forthcoming)*
KARL D. SMITH, WSBA #41988
8 *(application for admission forthcoming)*
Deputy Solicitors General
9 800 Fifth Avenue, Suite 2000
Seattle, WA 98104
10 (206) 464-7744

11
12 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
13 **AT YAKIMA**

14 STATE OF WASHINGTON, et
al.,

15 Plaintiffs,

16 v.

17 DONALD J. TRUMP, et al., in his
official capacity as President of the
United States of America;
18 UNITED STATES OF AMERICA;
19 LOUIS DEJOY, in his official
capacity as Postmaster General;
20 UNITED STATES POSTAL
SERVICE,
21

22 Defendants.

NO. 1:20-cv-03127-SAB

PLAINTIFFS' MOTION TO
EXPEDITE CONSIDERATION
OF PLAINTIFFS' MOTION FOR
EXPEDITED DISCOVERY

NOTING DATE: August 28, 2020
Without Oral Argument

1 Pursuant to Federal Rule of Civil Procedure 6(c)(1)(C) and Local Rule
2 7(i)(2)(C), Plaintiffs respectfully move this Court to expedite any necessary
3 briefing and the consideration of Plaintiffs' Motion for Expedited Discovery filed
4 herewith.

5 **I. MOTION FOR EXPEDITED CONSIDERATION**

6 Good cause exists for expedited consideration of this motion. The Plaintiff
7 States seek expedited discovery as to Defendants' current postal service policies
8 and practices, as reflected in their narrowly tailored discovery requests. But the
9 normal time requirements for motions under Local Civil Rules 7(i)(2)(A) and
10 7(i)(2)(C), along with the normal time requirements for responding to discovery,
11 would not allow the Plaintiff States to obtain information quickly enough to
12 determine the extent of the harm being inflicted on the Plaintiff States and their
13 residents by Defendants Louis DeJoy's and the U.S. Postal Service's
14 "transformative" changes, or to determine whether interim emergency relief is
15 needed.

16 As explained in the Plaintiff States' motion for expedited discovery, the
17 gravity of the issue, the breadth of its potential impact on the impending election
18 and on users of the mail in general, the factual uncertainty of Defendants' own
19 making, and the potential need for preliminary relief to prevent irreparable harm
20 weigh in favor of permitting expedited discovery. These same considerations
21 provide good cause for this Court to consider the Plaintiff States' discovery
22 motion on an expedited basis.

II. OPPOSING PARTY'S POSITION

As of this date, no counsel for Defendants has appeared in this case. On August 21, 2020, the undersigned contacted U.S. Attorney William D. Hyslop by telephone and email, but did not receive a response, as detailed in the Declaration of Kristin Beneski filed herewith.

DATED this 21st day of August, 2020.

ROBERT W. FERGUSON
Attorney General

/s/ Noah Guzzo Purcell

NOAH GUZZO PURCELL, WSBA #43492
Solicitor General

NATHAN K. BAYS, WSBA #43025

KRISTIN BENESKI, WSBA #45478

ANDREW R.W. HUGHES, WSBA #49515

CRISTINA SEPE, WSBA #53609

(application for admission forthcoming)

Assistant Attorneys General

EMMA GRUNBERG, WSBA #54659

TERA M. HEINTZ, WSBA #54921

(application for admission forthcoming)

KARL D. SMITH, WSBA #41988

(application for admission forthcoming)

Deputy Solicitors General

800 Fifth Avenue, Suite 2000

Seattle, WA 98104

(206) 464-7744

noah.purcell@atg.wa.gov

nathan.bays@atg.wa.gov

kristin.beneski@atg.wa.gov

andrew.hughes@atg.wa.gov

cristina.sepe@atg.wa.gov

emma.grunberg@atg.wa.gov

tera.heintz@atg.wa.gov

karl.smith@atg.wa.gov

Attorneys for Plaintiff State of Washington

PROPOSED ORDER

The Court has reviewed the following:

- Plaintiffs' Motion to Expedite Consideration of Plaintiffs' Motion for Expedited Discovery, and the supporting materials submitted therewith;
- Defendants' response, if any;
- Plaintiffs' reply; and
- The Complaint and the entire record herein.

Having considered each of the above, it is hereby ordered that Plaintiffs' Motion to Expedite Consideration of Plaintiffs' Motion for Expedited Discovery is GRANTED. The Motion for Expedited Discovery shall be briefed and heard on the following schedule:

- Plaintiffs filed their Motion for Expedited Discovery on August 21, 2020.
- Defendants shall file their Response, if any, no later than August 25.
- Plaintiffs shall file their Reply, if any, no later than August 27.
- A hearing on the Motion for Expedited Discovery shall be held on August 28, 2020, at _____ a.m./p.m.

SO ORDERED this ____ day of _____, 2020.

THE HONORABLE STANLEY A. BASTIAN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

I hereby certify that I have caused to be mailed by United States Postal Service the document to the following non-CM/ECF participants: (1) Donald J. Trump, in his official capacity as President of the United States of America, (2) United States of America; (3) Louis DeJoy, in his official capacity as Postmaster General; and (4) United States Postal Service. The document will also be sent by email to William D. Hyslop, U.S. Attorney for the Eastern District of Washington, at bill.hyslop@usdoj.gov.

DATED this 21st day of August, 2020, at Tumwater, Washington.

/s/Jennifer D. Williams

Jennifer D. Williams, Paralegal